

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PICTURE PATENTS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Case No. 07cv5465 (JGK) (HBP)
)	AFFIDAVIT FOR JUDGMENT
TERRA HOLDINGS LLC and)	BY DEFAULT
HALSTEAD PROPERTY LLC)	
)	
Defendants.)	
)	

Thomas J. Parker, being duly sworn, deposes and states:

1. I am a member of the Bar of this Court and am a Partner of Alston & Bird LLP, attorneys for Plaintiff Picture Patents, LLC, in the above-entitled action and I am familiar with the facts set forth herein.

2. On June 8, 2007, Plaintiff filed a Complaint for the instant action with this Court against Defendants Halstead Property LLC and Terra Holdings LLC (collectively “Halstead” or “Defendant”).

3. The Summons and Complaint were personally served upon the Defendant on August 13, 2007.

4. The affidavit of service for the Summons and Complaint was filed with the Clerk of the Court on August 15, 2007. (Annexed hereto as Exhibit A is a copy of the affidavit of service filed as 07 CV 5465, Dockets No. 4, 5).

5. As of November 15, 2007, upon information and belief, no answer or motion has been received by Plaintiff to the Summons or the Complaint. Additionally, upon information and belief, the Court has not received an answer or any other response to the Summons or the Complaint in this action. Accordingly, the Defendants have failed to plead or otherwise defend

against the Complaint.

6. Pursuant to Federal Rule of Civil Procedure 55 "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default."

7. Therefore, having failed to interpose an answer or otherwise respond to the Summons and Complaint in the applicable time period, the Defendant is in default, has lost status and standing to contest the factual allegations in the Complaint and is deemed to have admitted all well-pleaded allegations in the Complaint.

8. Further, upon information and belief, the Defendant is not in the military service and is not an infant or incompetent and your Affiant is not aware of any other matter that would preclude the Defendant from timely answering or otherwise moving with respect to the Complaint.

WHEREFORE, the Plaintiff respectfully requests that the Clerk of Court enter a Certificate of Default against the Defendant and for such other and further relief as this Court deems just and proper.

/s/Thomas J. Parker
THOMAS J. PARKER, ESQ.
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Sworn to before me this
15th day of November, 2007

/s/ Yolanda Sanchez

Notary Public

Yolanda Sanchez
Notary Public, State of New York
No. 01SA6157467
Qualified in Bronx County
Commission Expires December 11, 2010